



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 7981-99

5 April 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 23 April 1981. At that time, you had completed about four years of active service on a prior enlistment. The record shows that on 1 June 1982 you received nonjudicial punishment for an unauthorized absence of about one day. A special court-martial convened on 14 December 1982 and convicted you of three periods of unauthorized absence totaling about 81 days, making a false statement, theft of government property, selling government property, wrongful appropriation of a government vehicle, and possession of heroin. The court sentenced you to reduction to pay grade E-1, forfeiture of \$150 pay per month for four month, confinement at hard labor for four months and a bad conduct discharge. You began appellate leave on 24 March 1983 and remained in that status until the bad conduct discharge was issued on 7 March 1984.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service. The Board also considered your contentions concerning your marital problems and, in effect, that you were falsely accused of abusing your infant daughter and the stress of that situation led to your misconduct. The Board found that these

factors and contentions were not sufficient to warrant recharacterization of your discharge given your conviction by court-martial of serious offenses. There is no evidence in the record, and you have submitted none, concerning your contentions of marital problems and accusations of child abuse. However, the Board did not believe that, even if your contentions were true, they would excuse or sufficiently mitigate your misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director